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COMMITTEE ON THE RIGHTS OF THE CHILD

Eighteenth session

SUMMARY RECORD OF THE 468th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 29 May 1998, at 3 p.m.

Chairperson: Miss MASON

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Maldives (continued) (CRC/C/8/Add.33 and Add.37; CRC/C/Q/MAL.1)

1. At the invitation of the Chairperson, the members of the delegation of Maldives resumed their places at the Committee table.

2. The CHAIRPERSON invited members to ask questions on special protection measures (questions 41 to 47 of the list of issues (CRC/C/Q/MAL.1)).

3. Mrs. KARP asked why it had taken so long to adopt the special procedure covering offences committed by children, for which provision had originally been made under Law 9/91. What status would the procedure have? Also, would it not be more in keeping with the spirit of the Convention to extend the scope of the special procedure to include children aged from 16 to 18?

4. Secondly, she would like to know more about the system of house arrest and the temporary detention centre. What was the rate of recidivism? Was it possible for children of school age to continue their education? And what restrictions were placed on the liberty of children under 16?

5. Finally, she asked what counselling was available for children not at school, and whether young offenders came into contact with child victims in the temporary detention centre.

6. Mrs. PALME asked for further clarification as to whether Maldives had ratified ILO Convention No. 138. She also asked if the measures taken to protect Maldivian children from violence and sexual abuse by tourists also applied to children of guest workers.

7. Mr. RABAH noted that no specific reference had been made, in the report or in the delegation's answers, to the age of criminal responsibility. Was it the case, as paragraph 104 of the report (CRC/C/8/Add.33) appeared to state, that children aged between 7 and 15 who were accused of a very serious crime were subject to the same proceedings and legislation as adults? He asked whether judges received special training on the articles of the Convention, and whether juveniles had access to legal aid. And were young offenders still considered to have a criminal record after completing a course of rehabilitation?

8. Ms. SHIHAM (Maldives) agreed with Mrs. Karp that it was taking a long time to adopt the special procedure. However, the process was now in its final stages. The main problem had been that the various bodies involved, including the Attorney-General's Office, the national security services and the courts, had not felt able to give final approval for the many institutions, facilities and services that would need to be established. Her delegation intended to submit the Committee's proposal on bringing the 16-18 age group within the scope of the special procedure to the attention of the appropriate authorities in Maldives.

9. The parents of children under 16 who were under house arrest were required to ensure that they continued to attend their normal place of education or vocational training. If parents were unable to comply, the Government made alternative arrangements for the child. The house-arrest system had been found to be the most effective under Maldivian conditions. Close contacts could be maintained between parents and the authorities, and the latter offered further counselling in cases where children repeatedly refused to accept the arrangement.

10. The national security services had no facilities for detaining children. Those found on the streets were held at the temporary detention centre until their parents claimed them. If that could not be done owing to the breakdown of the child-parent relationship or for some other reason, the child was transferred to the Education and Training Centre for Children (ETCC). The temporary detention centre was being phased out gradually and its children transferred to the ETCC. The latter was a closed institution, but parents were permitted to visit during the week and at weekends, with transport provided if required. Children could leave the Centre accompanied by their parents or by one of the staff.

11. The two main NGOs in Maldives both offered counselling to adolescents who were not in school. In reply to Mrs. Palme's question, she said she did not believe that Maldives had signed ILO Convention No. 138. Foreigners who worked at tourist resorts on temporary contracts were not accompanied by children.

12. With regard to the question of criminal responsibility, she said that children aged between 7 and 15 accused of serious crimes were not tried under the same system as that used with adults. Special juvenile procedures applied to all children aged 16 and under. Furthermore, government officials and private organizations often took responsibility for children who had passed through the ETCC in order to protect their future development, which reflected the general Maldivian belief that juvenile delinquency was mainly the result of a child's circumstances.

13. Her Government recognized that to date judges had not received adequate training in children's rights, and had requested funding from several human rights organizations for that purpose.

14. Ms. YOOSUF (Maldives) said that the cases of those who had committed offences as juveniles were normally closed, so that from the age of 16 onwards their record could not be used against them.

15. Ms. SHIHAM (Maldives) said she was not sure whether juveniles could claim legal aid.

16. Mrs. KARP asked how many children were currently in the ETCC, what punishment applied to children below the age of 16 who committed murder, and what was meant by "indefinite detention" in the case of serious drug abusers aged under 16.

17. Ms. SHIHAM (Maldives) said that the ETCC could accommodate up to 100 children, and currently contained 68. The length of time spent in the

ETCC by a child under 16 who had committed a criminal offence was largely conditioned by the progress made in the Centre and his parents' willingness to receive him back into the home and further his development. In any event, all children normally spent the month of Ramadan in their parents' home.

18. In January 1998, her Government had passed a law limiting the period of detention without charge to seven days for any offence. However, that did not apply to children under 16. In their case, the parents were always contacted first. There had never been any law in Maldives permitting the indefinite detention without charge of children under 16.

19. While it was the case that children who were victims of neglect or ill-treatment mixed with "offenders" in temporary detention centres, in the opinion of the Maldivian authorities, both categories of child were victims. The URC provided social work services for all children in detention.

20. The CHAIRPERSON said it was the Committee's general view that there was a need for more in-depth information on special protection measures. Although the report contained initial recognition of problems such as drug abuse, sexual exploitation and trafficking in children, the Committee felt that it was time for Maldives to consider adopting legislation in those areas.

21. Mrs. KARP said that Maldives appeared to have a unique system based on a partnership between parents and the authorities. She wondered what it was about Maldivian culture or the psychology of its people that made such an arrangement possible.

22. Mr. KOLOSOV asked whether the delegation intended to use the Committee's concluding observations in promoting awareness of the Convention and implementation of children's rights.

23. Ms. SHIHAM (Maldives) said that the Committee's recommendations and observations would be taken fully into account by her Government. In view of her country's very scarce resources, the mere presence of her delegation at the Committee's meetings was evidence of the seriousness with which the Government viewed children's rights.

24. As to the viability of the partnership between families and the authorities, she said part of the answer lay in the fact that there was very little violence in Maldivian society, and that Maldivians had always had a tendency to listen to authority, even to the extent of older people accepting the opinions of much younger people.

25. The CHAIRPERSON invited members to submit their preliminary observations.

26. Mrs. PALME congratulated the Maldivian delegation on its frankness. She hoped that the new Family Law would significantly reduce the high divorce rate in the country and that more attention would be devoted to children with special needs. She also urged Maldives to ratify ILO Convention No. 138.

27. Mrs. SARDENBERG emphasized the importance of international cooperation, inter alia with UNICEF, and of ratifying the International Covenant on

Economic, Social and Cultural Rights. She considered that Maldives should strive to implement the general principles of the Convention through the National Policy on Women and the amended Family Law. She pointed out that breastfeeding and better education would help to counteract malnutrition.

28. Mrs. KARP commended Maldives for its courage in tackling what had formerly been taboo subjects. Nevertheless, she was concerned about the 16 to 18 age group who, being neither children nor adults, were in a legal vacuum. Furthermore, she was not sure that the country's legislation was really rooted in the basic principles of the Convention. Lastly, she observed that more budgetary resources should be allocated to children, especially those with disabilities.

29. Mr. FULCI said that in all his years as a Committee member, he had rarely seen such a competent, well-prepared delegation. He was particularly impressed by the reporting country's endeavours to deal with the dual scourges of sex tourism and drug abuse, and was confident that action would be taken on the concerns voiced by the Committee.

30. Mrs. QUEDRAOGO said that the Committee had noted the progress made by Maldives in implementing the Convention and urged the country to adopt the requisite measures to publicize the Convention more widely, reduce the number of divorces and remarriages, improve girls' education in order to make them more independent, enforce the same minimum age of marriage for boys and girls, and give the 16 to 21 age group more protection. She wished the State party every success in its deliberations on a new Family Law and congratulated the delegation on the clarity and frankness of its replies.

31. Mr. KOLOSOV, concurring with his colleagues' comments, recommended steps to prevent the spread of degenerate lifestyles and pointed out that some measures, like a poster campaign, were relatively cheap. Similarly, he urged Maldives to ratify The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

32. Mr. RABAH endorsed his colleagues' remarks. He likewise recommended ratification of The Hague Convention and ILO Convention No. 138.

33. The CHAIRPERSON acknowledged the financial and geographical constraints on Maldives, but thought that priority should be given to a review of the country's legislation in order to bring it into line with the Convention, and more particularly with its provisions relating to age limits. While the setting-up of a Unit for the Rights of the Child was praiseworthy, it might be more effective if it adopted a more focused approach to its activities. She suggested that counselling before and during marriage could help to prevent the high incidence of divorce. She endorsed her colleagues' useful recommendations concerning surveys, research and training, with a view to the introduction of special protection measures to combat a number of insidious problems which wrought havoc in the lives of children. Lastly, she looked forward to hearing what progress had been made when the next report was presented in five years' time.

34. Ms. YOOSUF (Maldives) said that her Government was committed to enhancing the well-being of children. Nevertheless, she admitted that young

people in Maldives were overprotected and should be allowed more freedom and independence. Her country was in urgent need of technical and financial assistance in order to carry out more research, studies, surveys and training; its resources had been stretched to the limit in an effort to promote children's development.

35. She was sure that the National Policy on Women would soon be passed with little amendment; its principles were in fact already being put into practice.

36. Her delegation had taken note of the Committee's concerns and would pass them on to the Government. In conclusion, she assured the Committee that her country would do its utmost to improve the situation of its children.

The meeting rose at 4.15 p.m.